

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA		DOCKET 4:20-CR-318
		OCTOBER 5, 2022
VS.		
		10:51 A.M.
KEITH TODD ASHLEY		SHERMAN, TEXAS

VOLUME 8 OF 8, PAGES 1704 THROUGH 1718

REPORTER'S TRANSCRIPT OF JURY TRIAL

BEFORE THE HONORABLE AMOS L. MAZZANT, III,
UNITED STATES DISTRICT JUDGE, AND A JURY

FOR THE GOVERNMENT: HEATHER HARRIS RATTAN
 JAY COMBS
 U.S. ATTORNEY'S OFFICE - PLANO
 101 E. PARK BOULEVARD, SUITE 500
 PLANO, TX 75074

 JASON FINE
 DALLAS COUNTY D.A.'S OFFICE
 133 N. RIVERFRONT BOULEVARD
 DALLAS, TX 75207

FOR THE DEFENDANT: JAMES P. WHALEN
 RYNE THOMAS SANDEL
 WHALEN LAW OFFICE
 9300 JOHN HICKMAN PKWY, SUITE 501
 FRISCO, TX 75035

COURT REPORTER: CHRISTINA L. BICKHAM, CRR, RDR
 FEDERAL OFFICIAL REPORTER
 101 EAST PECAN
 SHERMAN, TX 75090

PROCEEDINGS RECORDED USING MECHANICAL STENOGRAPHY;
TRANSCRIPT PRODUCED VIA COMPUTER-AIDED TRANSCRIPTION.

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1 (Open court, defendant present, jury not present.)

2 THE COURT: Please be seated.

3 We have a jury note which I believe is Number 7.
4 They didn't number it, as has been the pattern here. "We
5 have reached a verdict on all charges."

6 So, of course, what I'm going to do is I will
7 bring the jury down. I'll have the verdict presented to
8 me. I'll review it. If the jury -- well, I'll publish the
9 jury. I will then poll the jury to make sure it is
10 unanimous.

11 After we do that, if they have convicted the
12 defendant of Count 19, I'm going to go ahead and give
13 the -- I will read the supplemental question to them.

14 But I'm going to go ahead and receive the verdict,
15 publish it, poll them to make sure it's unanimous, and then
16 if they found guilty on 19, do the supplemental and send
17 them back.

18 Everyone okay with that procedure?

19 MS. RATTAN: We are, your Honor.

20 Additionally, there is a matter of forfeiture.

21 THE COURT: And I was going to ask that question,
22 but let me --

23 And then as to the supplemental question, that
24 procedure, Mr. Whalen, are you okay with that?

25 MR. WHALEN: Yes, your Honor.

1 THE COURT: And then the issue of forfeiture, is
2 that something that's -- what is the position of the
3 parties on how they want that to proceed? Are you
4 contesting it and want the jury to decide forfeiture if
5 they convict?

6 MR. WHALEN: Let me talk to my client because we
7 hadn't talked about forfeiture.

8 (Off-the-record discussion between the defendant
9 and counsel.)

10 THE COURT: Okay. And, Ms. Rattan, I don't have
11 the Indictment in front of me. Is the forfeiture specific
12 issues, or is it just a money judgment or --

13 MS. RATTAN: No. It's a specific issue. It
14 relates to real property. We filed it as a Bill of
15 Particulars, and it's Document Number 4.

16 THE COURT: You can start bringing the jury down,
17 but don't bring them in.

18 THE COURT SECURITY OFFICER: Okay.

19 THE COURT: Mr. Whalen, what's the defendant's
20 position on --

21 MR. WHALEN: Your Honor, we don't need to have a
22 jury decide the issue of forfeiture.

23 THE COURT: Okay. So you're not contesting that
24 if he is convicted?

25 MR. WHALEN: No, we're not. We're not going to

1 contest it.

2 THE COURT: That's fine.

3 Okay. Let's go ahead and bring the jury in.

4 (The jury enters the courtroom, 10:54 a.m.)

5 THE COURT: Everyone can be seated except for
6 Juror Number 1, as the foreperson.

7 It's my understanding you have reached a verdict?

8 THE FOREPERSON: We have.

9 THE COURT: Is it unanimous?

10 THE FOREPERSON: Yes, we have, your Honor.

11 THE COURT: And if you will hand that to the court
12 security officer.

13 You can be seated.

14 Let me go ahead and review it a second and then
15 I'm going to publish it and then I'm going to ask each of
16 you if this is your verdict to make sure it is unanimous.

17 Okay. So in the case of *United States of America*
18 *versus Keith Todd Ashley*, Case Number 4:20-cr-318, verdict
19 of the jury.

20 Count 1. As to the offense charged in Count 1 of
21 the Fourth Superseding Indictment, we, the jury, find the
22 defendant, Keith Todd Ashley, guilty.

23 Question 1(a). With respect to Count 1, did the
24 defendant's violation affect a financial institution?

25 Answer, yes.

1 Count 2, Question 2. As to the offense charged in
2 Count 2 of the Fourth Superseding Indictment, we, the jury,
3 find the defendant, Keith Todd Ashley, guilty.

4 Question 2(a). With respect to Count 2, did the
5 defendant's violation affect a financial institution?
6 Answer, yes.

7 Count 3. As to the offense charged in Count 3 of
8 the Fourth Superseding Indictment, we, the jury, find the
9 defendant, Keith Todd Ashley, guilty.

10 Question 3(a). With respect to Count 3, did the
11 defendant's violation affect a financial institution?
12 Answer, yes.

13 Question 4. As to the offense charged in Count 4
14 of the Fourth Superseding Indictment, we, the jury, find
15 the defendant, Keith Todd Ashley, guilty.

16 Question 4(a). With respect to Count 4, did the
17 defendant's violation affect a financial institution?
18 Answer, yes.

19 Count 5, Question 5. As to the offense charged in
20 Count 5 of the Fourth Superseding Indictment, we, the jury,
21 find the defendant, Keith Todd Ashley, guilty.

22 Question 5(a). With respect to Count 5, did the
23 defendant's violation affect a financial institution?
24 Answer, yes.

25 Count 6, Question 6. As to the offense charged in

1 Count 6 of the Fourth Superseding Indictment, we, the jury,
2 find the defendant, Keith Todd Ashley, guilty.

3 Question 6(a). With respect to Count 6, did the
4 defendant's violation affect a financial institution?

5 Answer, yes.

6 Count 9. As to the offense charged in Count 9 of
7 the Fourth Superseding Indictment, we, the jury, find the
8 defendant, Keith Todd Ashley, guilty.

9 Count 10. As to the offense charged in Count 10
10 of the Fourth Superseding Indictment, we, the jury, find
11 the defendant, Keith Todd Ashley, guilty.

12 Count 11. As to the offense charged in Count 11
13 of the Fourth Superseding Indictment, we, the jury, find
14 the defendant, Keith Todd Ashley, guilty.

15 Count 12. As to the offense charged in Count 12
16 of the Fourth Superseding Indictment, we, the jury, find
17 the defendant, Keith Todd Ashley, guilty.

18 Count 13. As to the offense charged in Count 13
19 of the Fourth Superseding Indictment, we, the jury, find
20 the defendant, Keith Todd Ashley, guilty.

21 Count 14. As to the offense charged in Count 14
22 of the Fourth Superseding Indictment, we, the jury, find
23 the defendant, Keith Todd Ashley, guilty.

24 Count 15. As to the offense charged in Count 15
25 of the Fourth Superseding Indictment, we, the jury, find

1 the defendant, Keith Todd Ashley, guilty.

2 Count 16. As to the offense charged in Count 16
3 of the Fourth Superseding Indictment, we, the jury, find
4 the defendant, Keith Todd Ashley, guilty.

5 Count 18, Question 18. As to the offense charged
6 in Count 18 of the Fourth Superseding Indictment, 18 USC,
7 Section 924(c)(1), we, the jury, find the defendant, Keith
8 Todd Ashley, guilty.

9 Question 18(a). Did the defendant, in the course
10 of violating 18 USC, Section 924(c)(1), cause the death of
11 a person through the use of a firearm? Answer, yes.

12 Question 18(b). Did the killing found in question
13 18(a) constitute murder under 18 USC, Section 1111?
14 Answer, yes.

15 Count 19. As to the offense charged in Count 19
16 of the Fourth Superseding Indictment, we, the jury, find
17 the defendant, Keith Todd Ashley, guilty.

18 Question 19(a). With respect to Count 19, did the
19 defendant, in committing the violation or in avoiding or
20 attempting to avoid apprehension for the commission of such
21 offense, or in freeing himself or attempt to free himself
22 from arrest or confinement for such offense, kill any
23 person? Answer, yes.

24 Count 20. As to the offense charged in Count 20
25 of the Fourth Superseding Indictment, we, the jury, find

1 the defendant, Keith Todd Ashley, guilty.

2 And then it's dated today and initialed by the
3 foreperson.

4 So, Juror Number 1, is this your verdict?

5 JUROR NUMBER 1: It is, your Honor.

6 THE COURT: Juror Number 2, is this your verdict?

7 JUROR NUMBER 2: Yes, your Honor.

8 THE COURT: Juror Number 3, is this your verdict?

9 JUROR NUMBER 3: Yes.

10 THE COURT: Juror Number 4, is this your verdict?

11 JUROR NUMBER 4: Yes, your Honor.

12 THE COURT: Juror Number 5, is this your verdict?

13 JUROR NUMBER 5: Yes.

14 THE COURT: Juror Number 6, is this your verdict?

15 JUROR NUMBER 6: Yes, your Honor.

16 THE COURT: Juror Number 7, is this your verdict?

17 JUROR NUMBER 7: Yes, your Honor.

18 THE COURT: Juror Number 8, is this your verdict?

19 JUROR NUMBER 8: Yes, your Honor.

20 THE COURT: Juror Number 9, is this your verdict?

21 JUROR NUMBER 9: Yes.

22 THE COURT: Juror Number 10, is this your verdict?

23 JUROR NUMBER 10: Yes.

24 THE COURT: And, Juror Number 11, is this your

25 verdict?

1 JUROR NUMBER 11: Yes, your Honor.

2 THE COURT: And, Juror Number 12, is this your
3 verdict?

4 JUROR NUMBER 12: Yes, sir.

5 THE COURT: Now, ladies and gentlemen, I have one
6 additional, supplemental that I'm going to submit to you.

7 As you were instructed -- and it relates to
8 Count 19.

9 As you were instructed, Count 19 of the Fourth
10 Superseding Indictment charges the defendant with
11 committing the crime of bank theft in two different ways.

12 The first is that the defendant committed bank
13 theft, meaning the elements listed on page 31 of the Final
14 Jury Instructions were proven by the government beyond a
15 reasonable doubt.

16 The second is that the defendant attempted to
17 commit bank theft, meaning the elements listed on page 32
18 of the Final Jury Instructions were proven by the
19 government beyond a reasonable doubt. You were instructed
20 that all of you must agree that the government proved that
21 the defendant committed bank theft or that all of you must
22 agree that the government proved attempted bank theft in
23 order to find the defendant guilty.

24 And then there is an additional supplemental
25 question I need to ask that I'm going to send you back to

1 the jury room to answer, not answer here in court.

2 Supplemental Question 1. With respect to
3 Count 19, we, the jury, find that the defendant, Keith Todd
4 Ashley, is guilty based on -- and it has, parentheses,
5 "select only one," either bank theft or attempted bank
6 theft.

7 So I'm essentially just asking which one you all
8 agreed to, and so I'm going to send you back to the jury
9 room to complete the supplemental question.

10 And then it says to proceed to just initial as the
11 foreperson and date it once you've decided this.

12 So I normally would thank you for your service,
13 which I do always thank you for your service; but you're
14 not done yet. So I'm going to send you back to the jury
15 room and we'll send the supplemental question for you to
16 complete and then as soon as you are ready -- when you're
17 finished with this question, just let us know; and we'll
18 bring you back down to receive this special supplemental
19 question.

20 Thank you very much. I'll send you back to the
21 jury room to complete the supplemental question.

22 (The jury exits the courtroom, 11:03 a.m.)

23 THE COURT: Okay. You can be seated.

24 And if the government wants to go ahead and -- do
25 you want to make that motion regarding the exhibits at this

1 time?

2 MS. RATTAN: Yes, your Honor. We would move to
3 substitute photographs for all of the physical exhibits.

4 THE COURT: Okay. I assume there is no objection
5 to that.

6 MR. WHALEN: No, your Honor.

7 THE COURT: Okay. I'll grant that request so that
8 we can make the record more user friendly to go on appeal
9 later.

10 And then anything else from the government at this
11 time?

12 MS. RATTAN: No, your Honor.

13 THE COURT: Anything else from defense?

14 MR. WHALEN: No, your Honor.

15 THE COURT: Why don't we just wait here? I don't
16 know that it will take long for them to make that
17 designation and then -- if it tends to be long, then we'll
18 take a break; but why don't we just stand down here and
19 wait just a second.

20 (Recess, 11:04 a.m. to 11:10 a.m.)

21 THE COURT: Okay. We have another note from the
22 jury that "We have reached a verdict," which I think is
23 probably Note Number 8. It is not numbered.

24 But I will go ahead and have the jury come back
25 down, and I'll receive the other verdict.

1 (The jury enters the courtroom, 11:12 a.m.)

2 THE COURT: You can all be seated except for Juror
3 Number 1.

4 Juror Number 1, my understanding is you reached a
5 verdict on the Supplemental Question?

6 THE FOREPERSON: Yes, your Honor.

7 THE COURT: And it was unanimous?

8 THE FOREPERSON: Yes, your Honor.

9 THE COURT: Okay. If you will hand that to the
10 court security officer. And you can be seated, thank you.

11 I'm going to follow the same procedure. I'm going
12 to go ahead and publish it, and then I will poll the jury
13 to make sure it is unanimous.

14 Okay. For the supplemental question in *United*
15 *States of America versus Keith Todd Ashley*, again Case
16 4:20-cr-318, Supplemental Question 1. With respect to
17 Count 19, we, the jury, find the defendant, Keith Todd
18 Ashley, is guilty based on bank theft.

19 And it is initialed and dated today.

20 So, Juror Number 1, is this your verdict on the
21 supplemental question?

22 JUROR NUMBER 1: Yes, your Honor.

23 THE COURT: Juror Number 2, is this your verdict?

24 JUROR NUMBER 2: Yes, your Honor.

25 THE COURT: Juror Number 3, is this your verdict?

1 JUROR NUMBER 3: Yes, your Honor.

2 THE COURT: Juror Number 4, is this your verdict?

3 JUROR NUMBER 4: Yes, your Honor.

4 THE COURT: Juror Number 5, is this your verdict?

5 JUROR NUMBER 5: Yes, your Honor.

6 THE COURT: Juror Number 6, is this your verdict?

7 JUROR NUMBER 6: Yes, your Honor.

8 THE COURT: Juror Number 7, is this your verdict?

9 JUROR NUMBER 7: Yes, your Honor.

10 THE COURT: Juror Number 8, is this your verdict?

11 JUROR NUMBER 8: Yes, your Honor.

12 THE COURT: Juror Number 9, is this your verdict?

13 JUROR NUMBER 9: Yes, your Honor.

14 THE COURT: And, Juror Number 10, is this your
15 verdict?

16 JUROR NUMBER 10: Yes.

17 THE COURT: Juror Number 11, is this your verdict?

18 JUROR NUMBER 11: Yes, your Honor.

19 THE COURT: And, Juror Number 12, is this your
20 verdict?

21 JUROR NUMBER 12: Yes, your Honor.

22 THE COURT: Okay. Ladies and gentlemen, I'm going
23 to go ahead and file both the Verdict of the Jury as well
24 as the Supplemental Question as the verdict of the jury and
25 will file those as part of the record.

1 I want to thank you for your service on behalf of
2 the Eastern District of Texas, Sherman Division, as well as
3 all of the judges of our district. As I indicated during
4 the *voir dire* process, our system of justice as we know it
5 and practice it would not exist without men and women
6 serving as jurors. I know it's gone on for over a week, a
7 week and a half; and so I just want to thank you.

8 I'm going to send you back to the jury room
9 because I'll come up and just see if you have any
10 questions, and then we'll get you on your way today. But,
11 again, thank you very much for your service.

12 (The jury exits the courtroom, 11:14 a.m.)

13 THE COURT: Anything further from the government?

14 MS. RATTAN: No, your Honor.

15 THE COURT: Anything further from defense?

16 MR. WHALEN: No, your Honor.

17 THE COURT: And then, Mr. Ashley, of course you
18 are in custody. You will remain in custody pending
19 sentencing.

20 And the Court will be in recess. Thank you.

21 (Proceedings concluded, 11:15 a.m.)

22 COURT REPORTER'S CERTIFICATION

23 I HEREBY CERTIFY THAT ON THIS DATE, NOVEMBER 1,
24 2022, THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE RECORD
OF PROCEEDINGS.

25 /s/
CHRISTINA L. BICKHAM, CRR, RDR